

APPLICANT(S): JACOBSEN, Eric
SERIAL NO.: 10/798,643
FILED: March 10, 2004
Page 6

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-27 are pending in the application.

Claims 1-8 and 11-24 have been objected to.

Claims 9, 10, and 25-27 have been rejected.

Claims 1, 11, 14-16, 18, and 25 have been amended. Applicants respectfully assert that the amendments to the claims add no new matter.

Claims 2, 3, 9, and 24 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 9, 10 and 25-27 would be allowable if rewritten to include the limitations of the base claims. Applicants are grateful to the Examiner for the indication of allowable subject matter.

Claim 1 has been amended to include the elements of dependent claim 9 and claims intervening therebetween. Accordingly, claim 1, and claims 4-8 and 10, which depend therefrom are allowable.

APPLICANT(S): JACOBSEN, Eric
SERIAL NO.: 10/798,643
FILED: March 10, 2004
Page 7

Claim 25 has been amended to now include the limitations of claim 24. Accordingly, claim 25 and claims 26-27, which depend therefrom are allowable.

Drawings Rejections

The drawings have been objected to. In particular, the Examiner has objected that Fig. 6 should be designated as prior art. Applicants respectfully assert that Fig. 6 depicts a system according to embodiments of the invention. For example, in one embodiment of the present invention, at least one of wireless user stations 607, 608 and/or 609 may comprise or include at least some elements of communication device 500. For, example, a code processing portion 510 may be implemented within the processor of any of wireless user stations 607, 608 and/or 609; a memory 520 may be a part of a memory of any of wireless user stations 607, 608 and/or 609; and a transceiver/amplifier 530 may be part of a transceiver/amplifier of any of wireless user stations 607, 608 and/or 609.

35 U.S.C. § 112 Objection

In the Office Action, the Examiner objected to claim 11 under 35 U.S.C. § 112, second paragraph, based on alleged informalities, including the preamble and punctuation.

Claim 11 has been amended to include a preamble. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Regarding the absence of a semi-colon, it is respectfully asserted that the claim is sufficiently brief not to require a semi-colon. Applicants respectfully request that the objection be withdrawn.

APPLICANT(S): JACOBSEN, Eric
SERIAL NO.: 10/798,643
FILED: March 10, 2004
Page 8

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-8 and 11-24 under 35 U.S.C. § 102(e), as being anticipated by Shen, et al.

Preliminarily, Applicants note that the Examiner's remarks with respect to claims 1 to 8 and 24 are moot. Claim 1 has been amended and claim 24 has been canceled.

Regarding claims 11-13, Applicants respectfully traverse this rejection in view of the remarks that follow. Claim 11 has been amended to clarify the second decoding algorithm. It is respectfully asserted that claim 11 as amended is allowable over the art of record.

Claims 14-16 have been redrafted into independent claim, and are allowable in view of the remarks that follow.

Regarding claim 14, Applicants note that the Shen reference does not teach that the decoding device is a network access station. The Shen reference teaches the use of a mobile transceiver in paragraph [0065], but does not relate this device to a component of a network access station. Accordingly, claim 14 is not anticipated or rendered obvious by the Shen reference.

Regarding claim 15, Applicants disagree with the Examiner's oversimplification that any network connection requires a network interface card (NIC). The Examiner calls attention to paragraph [0065] of Shen that simply mentions a transceiver. Applicants assert that there are multiple devices that employ the functionality of a transceiver, many of which do not have a network interface card as a required component. Further, the presence of some element of transceiver functionality will not require the use of a network interface card. For example, a mobile telephone, that may have computing functionality, may access a network through the use of a transceiver, but in no way will it use a network interface card. Therefore, the presence of a computer with transceiver functionality does not inherently imply or render obvious that the computer must have a network interface card.

APPLICANT(S): JACOBSEN, Eric
SERIAL NO.: 10/798,643
FILED: March 10, 2004
Page 9

Regarding claim 16, the Examiner has pointed to paragraph [0065] and Figure 1 of the Shen reference. However, after careful review, Applicants respectfully disagree with the Examiner that this reference teaches the use of OFDM. The Examiner further refers to paragraph [0047] of the Shen reference, that mentions the possible use of "...one or more satellite receivers." Somehow, the Examiner then concludes that these references mean that not only the data must be split into parallel bit streams, but that the method of splitting this data is in accordance with an OFDM algorithm. However, neither of these two elements recited in claim 16 are mentioned by Shen in the referenced paragraphs, nor are they inherent in the reference. There are numerous satellite communication devices where a satellite transmits information to one or more receivers and the data is not split into parallel bit streams. Further, splitting data into parallel bit streams is routinely performed by employing many algorithms that are not related to OFDM. Accordingly, claim 16 is not anticipated or obvious in light of the Shen reference.

In addition, as per the Examiner's comments with regard to claim 16, attention is called to paragraphs [0092-0095] and to Figure 8 of the Shen reference, where an "...advanced modulation satellite receiver..." is discussed. However, this disclosure makes no mention of OFDM. The Examiner nevertheless concludes that all advanced modulation satellite receivers must operate using OFDM; however, it will be recognized that this is not the case at all. There are multiple advanced modulation schemes other than OFDM, and simply the mention of an advanced modulation scheme in no way implies or mandates the mandatory use of OFDM.

Finally, regarding claims 18-23, Applicants respectfully traverse this rejection in view of the remarks that follow. Claim 18 has been amended to clarify the second decoding process. It is respectfully asserted that claim 18 as amended is allowable over the art of record, as are claims 19-24, which depend therefrom.

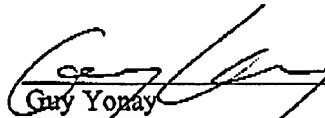
APPLICANT(S): JACOBSEN, Eric
SERIAL NO.: 10/798,643
FILED: March 10, 2004
Page 10

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Guy Yonay
Attorney/Agent for Applicant(s)
Registration No. 52,388

Dated: May 2, 2007

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801